

**San Bernardino County, CA Code of Ordinances
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TITLE 3: HEALTH AND SANITATION AND ANIMAL REGULATIONS
DIVISION 2: ANIMALS
CHAPTER 1: ANIMAL CONTROL

Section 32.0108 Control of Animals.

(a) No person owning or having control of any animal shall permit such animal to stray, to run at large upon any private or public street, sidewalk, school ground, public park, playground, place of public assembly or any other public place or upon any unenclosed private lot or other unenclosed private place or upon any private property without the consent of the owner or person in control thereof. Parkways comprising the area between the street and sidewalk shall be included as private property for purposes of this Section.

(b) Any person who finds any animal which has strayed or is running at large upon his or her own property or any other place contrary to the provisions of this Chapter, may take possession of and hold same provided, within four hours after securing possession thereof, he or she shall notify the Health Officer or Animal Control Officer or the Sheriff of the fact that he or she has such animal in his or her possession and give the Health Officer, Animal Control Officer, or Sheriff full information in regard to the animal, including a complete description of the animal and license number, if any, and shall surrender the animal to the Health Officer, Animal Control Officer, or Sheriff upon demand.

(c) No person may lawfully bring his or her dog out of his or her property unless:

- (1) The dog is restrained by a leash and is in the charge of a person competent to restrain the dog; or
- (2) The dog is properly restrained and enclosed in a vehicle, cage or similar enclosure.

(d) Any dog found running at large, running loose or unrestrained may be impounded by the Health Officer, Animal Control Officer, or Sheriff for a period of not less than 96 hours. Any unclaimed dogs shall then be destroyed or disposed of in accordance with § [32.0103](#) of this Code.

(e) There shall be a reclaiming fee for all impounded dogs, as set forth in the San Bernardino County Code Schedule of Fees.

(f) A person having custody of any dog shall not permit, either willfully or through failure to exercise due care or control, any such dog to defecate or urinate upon a public street or sidewalk; the floor of any common hall in any apartment house, hotel or other multiple dwelling; upon any entrance way, stairway, or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building, or other building used by the public.

(Ord. 962, passed - -1961; Am. Ord. 1764, passed - -1972; Am. Ord. 1767, passed - -1972; Am. Ord. 1779, passed - -1972; Am. Ord. 1821, passed - -1973; Am. Ord. 3804, passed - -2000)

Section 32.0119 Animals Which Habitually Make Noise

(a) Excluding noise from property not zoned for residential purposes (property without “R” in its zoning classification), it shall be unlawful for any person owning or having control of one or more of any animal, either willfully or through failure to exercise proper control, to allow such animal to habitually bark, howl, crow, or make any other loud noises in such a manner as to at any time, day or night, cause general annoyance or discomfort to a neighboring inhabitant. The standard of general annoyance or discomfort is a “reasonable person” standard, i.e., the noise is such that a reasonable person, under the same or similar circumstances, would suffer annoyance or discomfort.

(b) Evidence of a violation may be based upon complaints from neighboring inhabitant(s), hereby defined as persons living within 200 yards of such animal owner or keeper’s premises, or if said animal wanders outside of said premises, within 200 yards of any place where such animal wanders outside of said premises.

If there is more than one neighboring inhabitant, as defined above, evidence of a violation requires complaints from at least two neighboring inhabitants living in separate residences.

If there is only one neighboring inhabitant, evidence of a public nuisance may be based on a complaint from only one person or persons in that household.

If there is more than one neighboring inhabitant, as defined above, evidence of a public nuisance may, upon application of a single complaining neighboring inhabitant, be established by that person by seeking a waiver from the Chief Officer of the two-complainant requirement. To obtain such a waiver, a single complainant shall provide to the Animal Control Officer additional credible evidence of a violation, which may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons.

If the complainant(s) lives in excess of 200 yards of such animal owner or keeper’s premises, that person or those persons may establish evidence of a violation by seeking a waiver from the Chief Officer of the 200 yard requirement. To obtain such a waiver, a complainant or complainants living more than 200 yards from the noise shall provide to the Animal Control Officer additional credible evidence that he, she or they are experiencing a level of noise comparable to a person residing within 200 yards of the noise, which evidence may include, but is not limited to, tape recordings, videotapes, sound monitoring logs, photographs, maps, or declarations of other persons living a similar distance away from the noise.

(c) The Animal Control Officer will substantially follow the procedures below in responding to all complaints of noisy animals, however, the procedures and timelines set forth herein are discretionary and not mandatory. Should a particular stage in the process take longer than the period set forth, or should exceptional circumstances require any of the periods be shortened, the process may proceed to the next step without the necessity of repeating any prior step.

(1) Upon receiving an initial complaint from any person, either orally or in writing, the owner(s) or keeper(s) of the animal that may be violating this Section will be sent a courtesy abatement letter. The letter will notify the owner(s) or keeper(s) that San Bernardino County Animal Care and Control has received a complaint or complaints regarding his, her or their animal(s) that may be in violation of this Section, describing the substance of the complaint. The letter will also explain the process and potential costs/consequences for all parties of the process going to citation, will encourage the parties to attempt to resolve the complaint themselves, and, if that is unsuccessful, to seek mediation services, and will provide information on free and low cost mediation services available. Upon sending out the initial courtesy abatement letter, Animal Care and Control personnel will enter the date and address of the animal owner or keeper in the nuisance animal noise letter log that is kept on file. A blind copy of the letter will be sent to the complainant, with a cover memo requesting the complainant contact animal care and control if the noise has not abated by the end of the two-week period specified in the letter. At the same time the initial letter is sent, the complainant will be sent a nuisance animal noise information sheet along with two nuisance animal noise complaint forms, with instructions that, if the nuisance has not abated by the end of the two week period, to complete the form and have at least one neighboring inhabitant in a separate household complete the second form. The complainants must complete and sign the forms under penalty of perjury, and return them to animal care and control. The

letter shall also contain a waiver application form, and advise a single complainant, or complainants or a complainant that lives further than 200 yards from the animal owner(s) or keeper(s), that he, she or they may, by filling it out, obtain from the Chief Officer a waiver of the two-complainant requirement. Upon sending out the nuisance animal noise information sheet and nuisance animal noise complaint form, animal care and control personnel will enter the date, complainant's name and address and the alleged violator's name and address on the nuisance animal noise complaint form log that is kept on file.

(2) If, at the end of the two-week period, the complainant(s) advise(s) animal care and control that the noise is not abated, the complainant(s) will be advised that he, she or they may file a formal written complaint by submitting the nuisance animal noise complaint form. At the time of this second contact, in which the complainant(s) indicate(s) that a nuisance animal noise problem still exists, the nuisance animal noise letter log will be checked to verify that an initial letter has been sent to the animal owner or keeper.

(3) Upon receipt of two or more completed nuisance animal noise complaint forms, or one if there is only one neighboring inhabitant or a waiver of the two-complainant rule is granted, an Animal Control Officer will be assigned to serve a notice of violation on the animal owner(s) or keeper(s). The notice shall be served in person, or sent first class mail, postage prepaid, and shall advise the animal owner or keeper that he or she will be given two-weeks from the mailing or service of the notice to comply with the provisions of this Section in order to avoid further enforcement action. A file will be kept on the residential address of the animal owner or keeper. The completed nuisance animal noise complaint form(s) and a copy of the notice of violation will be kept on file. A blind copy of the notice of violation will be sent to the complainant(s), with a cover memo requesting the complainant(s) contact animal care and control if the noise has not abated by the end of the two-week period specified in the notice of violation.

(4) If, at the end of the two-week period specified in the notice of violation, the complainants or complainant advises animal care and control that the noise is not abated, either a criminal or an administrative citation may be issued in accordance with §§ [32.0124\(b\)](#) or [32.0126](#) of this Chapter, respectively.

(5) Each subsequent day, or portion thereof, that an animal owned or kept by a party receiving a notice of violation creates an animal noise nuisance beyond the two-week period specified in Subdivision (4) above, shall constitute a separate violation and a separate criminal or administrative citation may be issued. For each criminal citation issued, in addition to the procedures set forth at § [11.0206\(b\)](#), steps (6) and (7) below shall be followed.

(6) Once a criminal citation(s) has been issued to the animal owner or keeper, the issuing Animal Control Officer must complete an investigation report. The immediate supervisor or Supervising Animal Control Officer II will review the court's copy of the criminal citation(s) and the completed investigation report. After the report has been approved and typed, the following documents will be attached and forwarded to the appropriate court:

- (A) Court's copy of the criminal citation(s);
- (B) Investigation report;
- (C) Copy of the notice of violation;
- (D) All copies of the nuisance animal noise complaint form or forms received from the complainant or complainants, if there is more than one complainant.

(7) A complete copy of the documents that are forwarded to the appropriate court will be placed in the file kept on the animal owner or keeper.

(Ord. 3280, passed --1988; Am. Ord. 3804, passed --2000; Am. Ord. 4092, passed - -2009)